

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

--oOo--

DENNIS CLAYPOOL, et al.,

Plaintiffs,

VS.

No. CV 04-00570 ACK/KSC

CAPTAIN ANDY'S SAILING, INC.,)

et al.,

Defendants.

AND RELATED ACTIONS.

DEPOSITION OF SHERYL CLAYPOOL

Monday, May 16, 2005

CERTIFIED COPY

REPORTED BY: DENISE A. FORD, CSR 7525 (366133)

EXHIBIT D



LEGALINK®

A **WORDWAVE** COMPANY

LegaLink San Francisco

601 Van Ness Ave, Suite 2052
San Francisco, CA 94102

tel (415) 359-2040

tel (800) 869-9132

fax (415) 359-2050

www.legalink.com

SHERYL CLAYPOOL May 16, 2005

1 THE WITNESS: I could tell you better by
2 looking at a distance. If you want to compare it to a
3 football field, I would say if I was on the 50-yard
4 line, it appeared to be like where the goal line would
5 be.

6 MR. BALDEMOR: Q. So 50 yards?

7 A. Yes.

8 Q. And you are familiar with a football
9 field?

10 A. Yes.

11 Q. You have watched football?

12 MR. HILLSMAN: She is a graduate of
13 Arizona State.

14 THE WITNESS: Flag twirler. I know
15 football fields very well, every step.

16 MR. BALDEMOR: Q. And so after you saw
17 Mr. Claypool on the SPIRIT OF KAUAI, what happened next?

18 You saw him on the SPIRIT OF KAUAI and they were
19 putting him on the catamaran?

20 MR. HILLSMAN: Object to form, calls for
21 a narrative response, but you can answer.

22 THE WITNESS: They kept me up in the area
23 where the captain drives the boat and has the radio. I
24 just stood there with him as I listened to him try to
25 get radio contact for help for the divers. Actually I

SHERYL CLAYPOOL May 16, 2005

1 blood pressure and he wasn't treated consistently for
2 it.

3 Q. But did he have high blood pressure at
4 times?

5 MR. HILLSMAN: That misstates the
6 witness's testimony.

7 MR. BALDEMOR: Q. Go ahead. You can
8 answer.

9 A. I just --

10 MR. HILLSMAN: It wasn't a question. It
11 was a statement. It misstated the witness's testimony.

12 MR. BALDEMOR: Q. Did your husband have
13 high blood pressure at times?

14 MR. HILLSMAN: That question has been
15 asked and answered.

16 You can try to answer again.

17 THE WITNESS: All I know is one time.

18 MR. BALDEMOR: Q. When was that?

19 A. The time he was given the medication for
20 it.

21 Q. And what date was that?

22 A. Four years ago.

23 Q. And what do you know about that time, that
24 diagnosis?

25 A. You have borderline high blood pressure.

SHERYL CLAYPOOL May 16, 2005

1 You need to start taking your blood pressure. I am
2 going to give you some medicine to lower it.

3 Q. Did you see a medical record?

4 A. No.

5 Q. Were you there at the time?

6 A. No.

7 Q. How do you know about it?

8 A. He told me.

9 MR. HILLSMAN: Did Dennis ever tell you
10 that he thought he had high blood pressure?

11 THE WITNESS: No.

12 MR. BALDEMOR: Q. Do you remember what
13 he was prescribed for his high blood pressure?

14 A. I get them mixed up.

15 Is Accupril a high blood pressure medication?

16 Q. Do you remember anything else?

17 A. No. I know that because the same bottle
18 sat in our cabinet for a year.

19 Q. Now are there any physical conditions that
20 your children are contending were a result of the
21 accident?

22 MR. HILLSMAN: Object to form, calls for
23 speculation.

24 MR. BALDEMOR: Let me strike the
25 question.

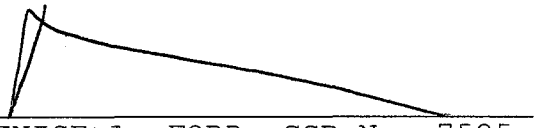
1
2
3 **CERTIFICATE OF REPORTER**

4 I, DENISE A. FORD, a Certified Shorthand
5 Reporter, hereby certify that the witness in the
6 foregoing deposition was by me duly sworn to tell the
7 truth, the whole truth, and nothing but the truth in the
8 within-entitled cause;

9 That said deposition was taken down in
10 shorthand by me, a disinterested person, at the time and
11 place therein stated, and that the testimony of the said
12 witness was thereafter reduced to typewriting, by
13 computer, under my direction and supervision;

14 I further certify that I am not of counsel or
15 attorney for either or any of the parties to the said
16 deposition, nor in any way interested in the event of
17 this cause, and that I am not related to any of the
18 parties thereto.

19 DATED: May 20, 2005.

20
21
22 
23 DENISE A. FORD, CSR No. 7525
24
25